

## **REMARKS**

### **Status of the Claims:**

The Office Action dated January 24, 2006 has been received and reviewed by the applicant. Claims 1 and 3 are in the application. Claims 1 and 3 stand rejected. Claim 1 has been amended in this response. Claim 3 has been amended to correct a grammatical error. No new matter has been added.

### **Claim Rejection - 35 USC § 101**

Claim 1 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. While it is well known in the art that website are tangibly embodied on computer readable media, Applicants have nonetheless amended claim 1 accordingly. Applicants believe that the current amendment to claim 1 overcomes or otherwise renders moot the Examiner's rejection of claim 1 under 35 U.S.C. §101. Reconsideration and withdrawal of Examiner's rejection of claim 1 under 35 U.S.C. §101 is respectfully requested.

### **Claim Rejection - 35 USC § 103**

#### **Claim 1**

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over PowerPoint (hereinafter PowerPoint, published in 1999 by Microsoft Corporation) in view of Graham (US Patent Number 6,343,302, filed on February 13, 1997). Applicants respectfully traverse.

As the Examiner would agree, it is settled that to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, MPEP §2143.03. It is also improper to combine references where the references teach away from their combination. See, MPEP §2145(X)(D)(2). PowerPoint and Graham fail to teach, suggest or disclose all of the elements of claim 1. In addition, both PowerPoint and Graham individually teach away from their combination.

Claim 1 discloses, *inter alia*, a website that automatically re-sequences HTML pages with the insertion of new HTML pages by a user. It is well known in the art that PowerPoint is not a website. Rather, PowerPoint is used to create

slides which may be exported onto a website and editing is done locally on a desktop or laptop. PowerPoint also does not generate nor consist of HTML pages. The fact that editing on PowerPoint is done on a desktop or laptop constitutes a teaching away from its combination with Graham because Graham requires that editing be done on the site being created by a user. See, Graham, col. 3, lines 45-51.

With respect to Graham, Graham teaches a system and method for creating web pages where the web page represents the site being edited by a user. Graham, col. 3, lines 45-48. The system dynamically generates the replica of the web page while a client edits the web page. See, Graham, Abstract. This is a teaching away from PowerPoint because PowerPoint is not a website or webpage and, as discussed above, is edited locally on a desktop or laptop.

As such, because neither PowerPoint nor Graham separately or in combination teach or suggest all the limitations of claim 1 and because PowerPoint and Graham teach away from their combination, Applicants believe that a *prima facie* case of obviousness has not been made. Applicants respectfully request withdrawal and reconsideration of Examiner's rejection of claim 1 under 35 U.S.C. §103(a).

### Claim 3

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over PowerPoint (hereinafter PowerPoint, published in 1999 by Microsoft Corporation) in view of Graham (US Patent Number 6,343,302, filed on February 13, 1997). Applicants respectfully traverse.

In light of the principles enunciated above, neither PowerPoint nor Graham separately or in combination make for a *prima facie* case of obviousness because they fail to teach or suggest their combination and they also fail to teach all of the limitations of claim 3.

As previously discussed, PowerPoint is not a website. As such, at the very least, PowerPoint does not display a plurality of HTML pages sequentially in a website. Rather, PowerPoint is used to create slides which may be exported onto a website and editing is done locally on a desktop or laptop. PowerPoint also does not generate nor consist of HTML pages. The fact that the steps taken for editing on PowerPoint is done on a desktop or laptop constitutes a

teaching away from its combination with Graham because Graham requires that editing be done on the site being created by a user. See, Graham, col. 3, lines 45-51. Further, PowerPoint does not suggest the desirability of combining with Graham.

Graham does not teach, suggest or disclose the steps of sequentially displaying HTML pages in a website. Rather, Graham teaches a system and method for creating web pages in which ordinary web pages are the interface to the user and where the web pages represent the site being created by the user. See, Graham, col. 3, line 45 – col. 4, line 22.


As such, because PowerPoint fails to teach, suggest or disclose all of the elements of claim 3 and because PowerPoint teaches away from its combination with Graham, Applicants believe that a *prima facie* case of obviousness has not been made. Reconsideration and withdrawal of the Examiner's rejection of claim 3 under 35 U.S.C. §103(a) is respectfully requested.

#### Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.